



EDWARD J KING  
GOVERNOR

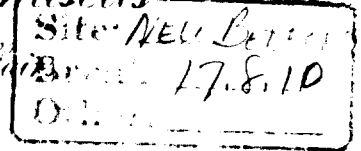
JOHN A BEWICK  
SECRETARY

62-13  
*The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

ON

ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME: Waterfront Park

PROJECT LOCATION: New Bedford

EOEA NUMBER: 4340

PROJECT PROPONENT: DEQE-Division of Waterways

DATE NOTICED IN MONITOR: February 11, 1982

Pursuant to M.G.L., Chapter 30, Section 62A and Sections 10.04(1) and 10.04(9) of the Regulations Governing the Implementation of the Massachusetts Environmental Policy Act, I hereby determine that the above referenced project does require the preparation of an Environmental Impact Report. The scope and alternatives for the EIR shall be as follows:

The Waterfront Park proposal is categorically included as more than ten acres subject to the wetland act are to be altered. Twenty-two acres of open estuary are to be filled, including a significant area of salt marsh fringing much of the estuary. Because of the salt marsh destruction, a variance of the wetland regulations is required for this project. This is obtainable only after denials by both the local conservation commission and regional DEQE office, and a subsequent adjudicatory finding of over-riding public need and equal protection for the interests of the Act (c 131 s 40) by the Commissioner. Additionally, if the "Park" is also to become a site for disposal of PCB contaminated dredge spoils with greater than 50 ppm PCB's, the site becomes a hazardous waste disposal site under both state and federal regulations. As such, an Environmental Impact Report is mandatory, and possibly also an EIS prior to EPA and COE approvals.

### SCOPE

I. The report must first evaluate the impact of filling 22 acres of the New Bedford Harbor Estuary. The present biologic status of the area should be established in the following respects. The salt marshes, both high and low, must be mapped and quantified. The type and extent of the benthic community and shellfish populations must be determined. An anadromous fish run as well as marine finfish exist in the area. The area to be filled should be evaluated for its contribution in maintaining these, as well as its role in the food chain of the entire New Bedford Harbor area. Methods of protecting the identified values or of "providing equal protection" should be identified and evaluated.

II. The effects of the loss of tidal prism on flushing, tidal and flood levels should be evaluated. The desirability of encouraging increased recreational use of the harbor (which is now closed to lobstering, shell-fishing and fin-fishing) should be evaluated. Both short term and long term effects may be considered.

III. The materials to be dredged for the construction of the perimeter road should be evaluated including completion of the Standard Application Form for water quality certification for dredging and dredge spoils disposal. Due to past activities in the area, PCBs, polychlorinated hydrocarbons, and heavy metals (As, Ni, Zn) should be evaluated. An elutriate test should be run to evaluate the reintroduction of heavy metals and PCBs into the water column during dredging and dredge disposal activities. The need to control turbidity/siltation should be evaluated and necessary measures identified.

IV. The site should be evaluated for its potential as a disposal site for a) highly PCB contaminated spoils and b) low-level PCB contaminated spoils (less than 50 ppm). How will the site be used to contain the dredge spoils from under the proposed roadway/dike? Will the existing sediments provide the necessary bottom liner? How will the site be dewatered to prevent contaminants from entering the remainder of the estuary? Should the perimeter road be down-graded to a path as discussed in earlier studies in order to maximize the disposal potential? How much cover and of what quality must be placed over the contaminated spoils? Will dust control be necessary prior to covering? Evaluate the safety of public utilization of the site following closure. How will the site be managed if the spoils arrive intermittently? Describe the licenses, permits, approvals needed for the operation and how the regulations under the same will be met.

V. The report should evaluate future uses of the site and identify any limiting factors or mitigation efforts needed for such use. If a "sports stadium" is part of the proposal, a traffic report should be prepared which identifies peak trip generation, routes, parking, peak LOS (current and proposed), and any corrective measures needed to increase capacity or reduce vehicle loads.

Copies of the Draft and Final reports should be provided to each state and federal agency with regulatory jurisdiction, and the city Board of Health, Conservation Commission Planning Board and City Council. Copies should be provided to the libraries of New Bedford and Fairhaven. A public meeting to present the findings of the Draft EIR shall be held in New Bedford at the start of the 30 day review period.

March 12 1982  
DATE

Samuel G. Myatt, Jr.  
JOHN A. BEWICK, SECRETARY